

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUAN JOSE AMESQUITA,

Petitioner,

v.

ROD HICKMAN, Warden,

Respondent.

) 1:05-cv-00055-OWW-TAG HC

) ORDER ADOPTING REPORT AND
) RECOMMENDATION
) (Doc. 28)

) ORDER DISMISSING AMENDED PETITION
) FOR WRIT OF HABEAS CORPUS
) (Doc. 7)

) ORDER DIRECTING CLERK OF COURT TO
) ENTER JUDGMENT

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On August 28, 2006, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending that Respondent's Motion to Dismiss be GRANTED and that the amended petition for writ of habeas corpus be DISMISSED because the Petition was not filed within the one-year time period provided for in 28 U.S.C. § 2244(d)(1). (Doc. 28). The Report and Recommendation was served on all parties and contained notice that any objections were to be filed within fifteen days from the date of service of that order. On September 18, 2006, Petitioner filed objections to the Magistrate Judge's Report and Recommendation. (Doc. 29).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including Petitioner's objections, the Court concludes that the Magistrate Judge's Report and Recommendation is supported by the

1 record and proper analysis. Petitioner's objections present no grounds for questioning the Magistrate
2 Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Report and Recommendation issued August 28, 2006 (Doc. 28), is ADOPTED IN
4 FULL;
5 2. The amended petition for writ of habeas corpus (Doc. 7), is DISMISSED; and,
6 3. The Clerk of Court is DIRECTED to ENTER JUDGMENT for Respondent and close the
7 file.

8 This order terminates the action in its entirety.

9
10 IT IS SO ORDERED.

11 **Dated: October 3, 2006**
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE